

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MITANI, et al. Examiner: S. Mummert
Serial No.: 10/583706 Group Art Unit: 1637
Filed: April 12, 2007 Docket: 20078.0001USWO
Title: METHOD OF AMPLIFYING NUCLEIC ACID AND METHOD OF
DETECTING MUTATED NUCLEIC ACID USING THE SAME

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper is being transmitted by EFS Web to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 4, 2011.

By: 

Name: Chad Rogers

INFORMATION DISCLOSURE STATEMENT

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form SB08 are brought to the attention of the Examiner.

The NPL references 1 through 4 herein, "Demandant's 8th Brief", "Description of Evidence (6)", "Demandant's Exhibit No. 19" and "Demandant's Exhibit No. 20" for H21 (2009) (Gyo-Ke) No. 10107 were issued on December 22, 2010 for the trial case of the related Japanese Patent No. 3867926, which corresponds to the co-pending U.S. Application No. 12/855433. The NPL references 5 and 6, "Demandant's 5th Brief", "Description of Evidence (4)" for H21 (2009) (Gyo-Ke) No. 10420 were issued on November 22, 2010 for the trial case of the corresponding Japanese Patent No. 3897805. The NPL references 7 and 8, "Demandant's 6th Brief" and "Description of Evidence (5)" for H21 (2009) (Gyo-Ke) No. 10420 were issued on December 22, 2010, also for the trial case of the corresponding Japanese Patent No. 3897805, mentioned above. A copy of each reference as well as English translation is enclosed.

Applicants also submit a copy of the Supplementary European Search Report, issued May 30, 2007 in the related European Application No. 03769966. The cited references have been previously submitted. A copy of the Search Report is enclosed.

The NPL reference 9, Iwamoto, et al., was cited by the Examiner in the parent case of the co-pending application No. 12/855433.

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed (CHECK ONE):

- ☒ (1) within three (3) months of the Filing Date, before the mailing date of a First Office Action on the merits, or before the mailing date of a First Office

Action on the merits after the filing of a request for continued examination under 37 C.F.R. §1.114; or

- ☐ (2) after the period defined in (1) but before the mailing date of a Final Rejection or Notice of Allowance, and
- ☐ the requisite Statement is below, OR
- ☐ the requisite fee of \$180.00 under Rule 1.17(p) is included herein, or
- ☐ (3) after the mailing date of a Final Rejection or Notice of Allowance but on or before the payment of the Issue Fee, AND the requisite Statement is below AND the requisite fee of \$180.00 under Rule 1.17(p) is included herein.

STATEMENT

Applicants hereby state that:

- ☐ Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application or by the USPTO in a related application not more than three months prior to the filing date of the Information Disclosure Statement

- ☐ If this box is checked, Applicant provides the following:

Certification Under 37 C.F.R. §1.704(d)

In accordance with 37 C.F.R. §1.704(d), the undersigned hereby certifies that each item listed on the enclosed Form SB08 was first cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty (30) days prior to the filing of this Information Disclosure Statement.

- ☐ The Examiner is hereby advised of the following co-pending U.S. applications.

Application No.

Filing Date

Group

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form SB08, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

FEE AUTHORIZATION

Please charge any required fee or credit overpayment to Deposit Account No. 50-3478.

Respectfully submitted,

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Dated: April 4, 2011

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